

Message

From: Fisher, Kendra L - DNR [Kendra.Fisher@wisconsin.gov]
Sent: 1/23/2018 10:18:53 PM
To: ptomasi@foley.com; lbenfield@foley.com; Van Grinsven, Anne - DNR [anne.vangrinsven@wisconsin.gov]; Griffin, Mike P - DNR [mike.griffin@wisconsin.gov]; Olson, Erik [olson.erik@epa.gov]
CC: Wildeman, Anna J - DOJ [wildemanaj@doj.state.wi.us]; Kramer, Jessica L - DOJ [kramerjl@doj.state.wi.us]; ABeggs@foley.com; Bonar-Bridges, James I - DNR [james.bonarbridges@wisconsin.gov]
Subject: RE: CLCM Oak Creek Stack Test Protocol & Incompleteness Letter

Linda and Pete,

We are in receipt of the January 4, 2018 submittal of the stack test plan for the CLCM facility at Chicago Rd. and your additional email regarding proposed dates for that test, pre-testing conversation with Mostardi Platt, and the Chicago Road operation permit application.

Stack Testing

Given the extent of conversation regarding testing over the course of the last several months and the opportunity for confusion between testing at Penn. Ave. and testing at Chicago Rd., we wanted to lay out a summary of the Department's standpoint regarding testing at CLCM facilities.

- On July 19, 2017, the DNR issued a Notice of Violation to CLCM. The DNR alleged CLCM failed to quantify process emissions venting to stack S98 at the Penn Ave. facility; specifically, PM, VOC, and HAP emissions from drum content residuals need quantification. In addition, the DNR alleged CLCM failed to submit information to quantify HAP emissions from the processing/ burning of material at the Chicago Rd. facility.
- On August 9, 2017, the DNR held an enforcement conference, summarizing those discussions in an August 25, 2017 letter. Specifically, the DNR wrote, "CLCM agreed to evaluate potential PM emissions, but not potential HAP or VOC emissions" at the Penn Ave. facility. There was no agreement for testing at the Chicago Rd. facility.
- As part of Appendix 9 of its October 6, 2017 enforcement conference summary response, CLCM attached a PM, VOCs, and HAPs stack test plan for the Chicago Rd. facility. On October 13, 2017 CLCM submitted a stack test plan for the Penn Ave. facility, proposing to test total particulate matter (TPM).
- On November 6, 2017, the DNR had a conference call with CLCM to discuss both stack test plans. During that call, the DNR requested CLCM not test at the Penn. Ave. facility at the present time as CLCM was considering process changes to the plastic wash drum line that would affect the TPM test. The DNR also stated that it did not want CLCM to test, at either the Chicago Rd. or at the Penn Ave. facilities, for pollutants that were already covered by the EPA required stack test conducted at Penn Ave. on September 19, 2017.

On January 4, 2018, CLCM submitted a stack test plan to the department for the Chicago Rd. facility. The plan proposed a test for PM as well as other HAP emissions. The DNR's July 19, 2017 NOV did not allege failure to quantify PM emissions at the Chicago Rd facility. To reiterate our November 6, 2017 conference call, the DNR requested that CLCM not test pollutants at either facility that were already covered by the EPA required stack test conducted on September 19, 2017. No stack testing is currently requested by the DNR at the Chicago Rd facility and the DNR will not further review any plans for testing at this facility (Chicago Rd facility).

DNR is not aware whether CLCM has made any final decisions on proposed changes to the plastic wash drum line at Penn Ave. DNR will be willing to review and discuss a stack test plan for TPM at CLCM Penn Ave. once we have assurance that any testing would reflect operations at the facility going forward.

CLCM – Chicago Rd. Operation Permit Renewal Application

DNR is willing to have a call with CLCM regarding next steps to address the incompleteness letter for the Oak Creek operating permit renewal. Given schedules of those who would likely be involved in that conversation, early next week is too soon for a call on this for DNR staff. We will communicate a proposed date and participants in the next several days.

Please call with any questions.

Sincerely,

Kendra

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Kendra L. Fisher

Phone: (262) 219-7335

Kendra.fisher@wisconsin.gov

From: ptomasi@foley.com [mailto:ptomasi@foley.com]

Sent: Tuesday, January 23, 2018 9:37 AM

To: Fisher, Kendra L - DNR <Kendra.Fisher@wisconsin.gov>; Van Grinsven, Anne - DNR <Anne.VanGrinsven@wisconsin.gov>; Griffin, Mike P - DNR <Mike.Griffin@wisconsin.gov>

Cc: Wildeman, Anna J - DOJ <wildemanaj@doj.state.wi.us>; Kramer, Jessica L - DOJ <kramerjl@doj.state.wi.us>; lbenfield@foley.com; ABeggs@foley.com; Bonar-Bridges, James I - DNR <James.BonarBridges@wisconsin.gov>

Subject: CLCM Oak Creek Stack Test Protocol & Incompleteness Letter

Hi Kendra,

My apologies for the delay in responding. Please do have the stack test reviewers take a look at the draft plan if they have not yet had a chance to do so.

At this time for the Oak Creek stack test we are looking at the weeks of March 26 or April 16, most likely the former. When we say "the week" we expect setup to take place on Monday (March 26th or April 16th), and testing Tuesday/Wednesday/Thursday (March 27-29 or April 17-19).

In addition, Mostardi Platt plans to visit the facility ahead of the test dates in order to evaluate sampling points and to make sure that there will not be any issues with meeting US EPA test method requirements. They are somewhat flexible on dates. Please let us know if someone from the Department would like to be present for that evaluation, and we will have Mostardi coordinate with the recommended representative of the Department on times for an evaluation.

Finally, as discussed previously with the Wisconsin Department of Justice, CLCM would like to set up a call to discuss next steps to address the incompleteness letter for the Oak Creek operating permit renewal. We have information that should address the concerns raised in the letter, but wanted to hold a call to discuss beforehand. We would like to schedule that call early next week if possible.

Please let us know if the Department wants to walk through the pre-testing visit with Mostardi Plat, as well as times for a call to discuss the incompleteness letter response.

Best Regards,

Pete

From: Fisher, Kendra L - DNR [<mailto:Kendra.Fisher@wisconsin.gov>]
Sent: Friday, January 05, 2018 8:08 AM
To: Tomasi, Pete; Van Grinsven, Anne - DNR; michael.griffin@wisconsin.gov
Cc: Wildeman, Anna J - DOJ; Kramer, Jessica L - DOJ; Benfield, Linda E.; Beggs, Amanda K.; Bonar-Bridges, James I - DNR
Subject: RE: CLCM Oak Creek Stack Test Protocol

Thank you Pete. We will have our stack test reviewers take a look at this and let you know if we have comments.

Did you have a date for testing in mind?

Kendra

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From: ptomasi@foley.com [<mailto:ptomasi@foley.com>]
Sent: Thursday, January 04, 2018 4:14 PM
To: Van Grinsven, Anne - DNR <Anne.VanGrinsven@wisconsin.gov>; Fisher, Kendra L - DNR <Kendra.Fisher@wisconsin.gov>; michael.griffin@wisconsin.gov
Cc: Wildeman, Anna J - DOJ <wildemana.j@doj.state.wi.us>; Kramer, Jessica L - DOJ <kramer.j.l@doj.state.wi.us>; lbenfield@foley.com; ABeggs@foley.com
Subject: CLCM Oak Creek Stack Test Protocol

All,

Attached please find a copy of the stack test protocol for the CLCM Oak Creek facility, which has been revised based upon discussions with the Department. This is being emailed rather than uploaded directly to the Department's website.

Please contact me with any questions.

Best,

Pete

Peter A. Tomasi

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